

**Arizona State Board for Charter Schools
April 11, 2005
Westin La Paloma
3800 East Sunrise Drive
Tucson, Arizona 85718
Palo Verde Room**

MINUTES

Members Present-

Kurt Davis - President
Kimberly Mosher-Vice President
Mary Gifford - Superintendent's Designee
Lynne Adams - Public Member
Arthur Ben-Charter School Teacher
David Hume - Business Member
Linda Parson - Business Member
Onnie Shekerjian - Public Member
Magdalena Verdugo - Charter School Operator

Members Absent

Harvey Honyouti – Public Member
Jose Gabriel Loyola - Public Member
Senator Linda Aguirre – Advisory
Representative Ted Carpenter - Advisory
Senator John Huppenthal - Advisory

Meeting began at 1:05 PM

Agenda Item A: Pledge of Allegiance

Agenda Item B: Moment of Silence

Agenda Item C: Roll Call: Traci Sawyer-Sinkbeil called the roll and confirmed a quorum. Mary Gifford arrived at 1:26 pm.

Agenda Item D: Call to the Public

None

Agenda Item E: Superintendent's Report

Kristen Jordison reported on behalf of Mary Gifford, that the Department of Education has received the final determination letter from the US Department of Education regarding for-profit charter schools. Under the final determination, for-profit charter schools will not be eligible to receive federal funds beginning July 1, 2005. Superintendent Tom Horne sent a letter regarding this issue to all for-profit schools on April 8th. A meeting with representatives from U.S. Department of Education, the Board, Arizona Department of Education, and for-profit charter schools will be scheduled shortly to help answer questions and provide guidance if these schools want to transfer to non-profit status.

Agenda Item F: Executive Director's Report

1. Status of schools with previous and/or on-going board actions: Academy of Hope, Aprender Tucson, Arizona Montessori Charter School, Aztlan Academy, Casa Blanca Middle School, Inc., Cesar Chavez Middle School, Inc., Dove Learning, Inc., Ecotech Academy of Science & Agriculture, E.Q. Scholar's, East Valley Youth and Family Support Center, Inc., Horizon's Challenge School, Kachina Country Day, Mingus Mountain Estate Residential Center, Pathways Charter School, Progressive Junior High School, Inc., Progressive Leadership Academy, Rolling Hills Charter School, Shonto Governing Board of Education, Inc.

No action taken

Kristen Jordison updated the board on the following status points:

Casa Blanca Middle School submitted their 45 day items to the Department of Education and thus will not have 10% withheld in April.

The Administrative Law Judge's decisions have been received for Academy of Hope & Rolling Hills. These schools will be brought before the Board at the May 9th meeting at 10:00 am & 11:00 am respectively.

East Valley Youth & Family Support Center's hearing has been scheduled for July 21, 2005.

Mingus Mountain Estate Residential Center's hearing has been scheduled for July 28, 2005.

Pathways Charter School's hearing has been scheduled for July 26, 2005.

The remaining Notice of Intent to Revoke are being drafted and will be sent shortly.

2. 2006 annual financial audit guidelines and compliance questionnaires.

The Board referred the annual financial audit guidelines and compliance questionnaires to subcommittee. Final approval of the audit guidelines and compliance questionnaire will come back before the Board in June.

3. Update on New Board Member Training, Prospective Applicant Training, and New Operator Training.

Kristen stated that 50 people attended the Board's New Operator Workshop and 19 people attended the first of four Prospective Applicant Workshops. The remaining three workshops for the 2006-2007 application cycle will be held April 22nd, May 10th, and May 31st.

Agenda Item G: Legislative Update—Mary Gifford & Michele Diamond

Michele Diamond, Director of Government & Financial Affairs, reported to the Board that Senate Bill 1085 has been amended to provide for additional charter school sponsors. The Senate bill's provisions are essentially the same as House Bill 2574 except that it also contains a provision that would subject all charter schools to English language education requirements. Board members raised concerns over the addition of the English language education requirement, but the Board decided to continue to support the bill with concerns. Further, Michele stated that House Bill 2438 had been amended to remove the requirement that the Board review, upon request, the value of services provided by a charter school sponsor to a charter school when the sponsor charges a fee.

No action taken

Michele further reviewed the following bills and answered questions from the Board:

HB 2574 Charter school; sponsors (NOW: charter schools; sponsorship; universities – now tacked on to SB1085 (page 15). Essentially the same except does contain a provision that would subject all charter schools to English language education requirements (chapter 7 article 3.1)

HB 2438 Charter school sponsors; fees – efforts were successful in taking the ASBCS out of the bill.

HB 2079 – Community college board; technical correction – This bill failed in the appropriations committee. There is a similar bill that is now on SB 1109 via a proposed strike everything amendment. It includes the establishment of a 19 member Transfer Articulation Committee with a charter operator as a member.

Agenda Item H: Horizon's Challenge School, Inc.

1:30 PM– Discussion and possible action to accept, reject or modify the Findings of Fact, Conclusions of Law and Recommended Order of the Administrative Law Judge in regard to Notice of Intent to Revoke the Charter (No. 05-RV003-BCS).

It was confirmed by poll of all Board members that they have read the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Order prior to today's meeting for discussion purposes.

Kim Anderson, counsel for the state, provided the Findings of Fact, Conclusion of Law and the Recommended Order of the ALJ regarding Horizon's

MOTION

Motion by Mary Gifford to adopt the Administrative Law Judge's Findings of Fact in the matter of **Horizon's Challenge School, Inc.** Motion seconded by David Hume.

Motion passes unanimously

Challenge School, Inc.

No representatives were present on behalf of Horizon's Challenge Charter School.

MOTION

Motion by Lynne Adams to accept the Administrative Law Judge's Conclusions of Law in the matter of **Horizon's Challenge School, Inc.** Motion seconded by Mary Gifford.

Motion passes unanimously

MOTION

Motion by Lynne Adams to adopt the Administrative Law Judge's Board Order in the matter of **Horizon's Challenge School, Inc.** Motion seconded by Mary Gifford.

Motion passes unanimously

Agenda Item I: Action Items:

1. **Ann Clare Learning Academy**—Discussion and possible action on the request for a temporary suspension of charter school operations.

Kristen indicated that a background and status sheet was provided in the Board's packet. Kristen further provided the Board information regarding the request for temporary suspension and answered questions from the Board.

Tracy Banker, counsel for Ann Clare Learning Academy, stated that the school was building a new facility that would be ready at the beginning of the school year. The school projects enrollment to be approximately 13 students. Ms. Banker indicated that that FY 2004 audit is not yet complete but the school is trying to engage an auditor.

2. The Board will receive information to determine whether evidence exists that the following schools are in breach of one or more provisions of their charter contract, federal, state, or local laws regarding their failure to submit the fiscal year ending June 30, 2004 annual financial single audit in accordance with A.R.S. 15-183.E.6.

a. Az-Tec High School

b. Shonto Governing Board of Education, Inc. (K-8)

c. Shonto Governing Board of Education, Inc. (9-12)

Kristen informed the Board that Az-Tec High School submitted their audit on April 7, 2005.

MOTION

Motion by Kurt Davis to accept the request for temporary suspension of **Ann Clare Learning Academy** for the current year with resumption of educational services in the fall of 2005 contingent upon the following: if the FY 2004 annual financial audit is not received by June 1, 2005 the Board will be provided with an update on the status and may reconsider the issue at its June meeting. Motion seconded by David Hume.

Motion passes unanimously

MOTION

Motion by Lynne Adams to withhold 10% of the monthly state equalization for **Shonto Governing Board of Education, Inc. (K-8)** for failure to submit the annual financial single audit and require the school to submit a corrective action plan. Motion seconded by Mary Gifford.

Motion passes unanimously

MOTION

Motion by Lynne Adams to add to the basis of the 10% withholding of the monthly state equalization for **Shonto Governing Board of Education, Inc. (9-12)** for failure to submit the annual financial single audit and require the school to submit a corrective action plan. Motion seconded by Mary Gifford.

Motion passes unanimously

3. The Board will receive information to determine whether evidence exists that the following schools are in breach of one or more provisions of their charter contract, federal, state, or local laws regarding their failure to properly fingerprint staff in accordance with A.R.S. 15-183.C.4

No Action Taken

a. New World Education Center

Michele and Kristen informed the Board that New World had submitted a sufficient corrective action plan prior to the Board meeting and thus no action was warranted.

Agenda Item J: Board Comments

Superintendent's Designee Mary Gifford wanted to make sure that the schools who failed to administer the fall AIMS test were administering the Spring test appropriately. Ms. Gifford further commented on schools that had long standing issues.

David Hume commented on the good quality of the training over the past month.

Magdalena Verdugo welcomed the Board to Tucson.

Onnie Shekerjian commented that the vast majority of charter schools are in compliance and the Board recognizes that fact. Ms. Shekerjian further commented that discipline is a good thing to protect children.

Agenda Item K: Approval of Minutes

March 14, 2005

MOTION

Motion by Lynne Adams to approve the minutes of February 14, 2005. Motion seconded by Mary Gifford.

**Motion passes
(Mosher and Ben abstain)**

Agenda Item L: Adjournment

MOTION

Motion by Onnie Shekerjian to adjourn meeting. Motion seconded by Lynne Adams.

Motion passes unanimously

The meeting adjourned at approximately 2:36pm.

Signature

Date